

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FAYE D. PEREZ,

Plaintiff,

v.

WORLD FINANCIAL GROUP,

Defendant.

Case No. 2:21-cv-00287-RFB-EJY

ORDER

Pending before the Court is World Financial Group's Memorandum of Attorney's Fees. ECF No. 49. The Memorandum was filed on July 28, 2022. No response to the Memorandum was filed by Plaintiff. Preceding this Memorandum, the Court entered an Order granting Defendant's Motion to Compel. ECF No. 48. In that Order, the Court required Plaintiff to make her initial disclosures in compliance with Fed. R. Civ. P. 26 no later than July 21, 2022. The Court further Ordered Plaintiff to pay Defendant its reasonable fees and costs incurred in bringing and succeeding on its Motion to Compel.

Through its Memorandum, Defendant seeks a total award of \$4,707.68 in fees. No costs are sought. The fees are based on three hours of time entered by counsel Nicole True, billed at the hourly rate of \$340; 12.8 hours of time entered by Brooks Brennan, billed at the hourly rate of \$241.20; and 1.4 hours of time entered by attorney Ed Barkel, billed at the hourly rate of \$428.80.

The U.S. District Court for the District of Nevada has adopted the hybrid lodestar/multiplier approach used by the Supreme Court in *Hensley v. Eckerhart*, 461 U.S. 424 (1983), as the proper method for determining the amount of attorney's fees due in most actions. The lodestar/multiplier approach has two parts. First, a court determines the "lodestar" amount by multiplying the number of hours reasonably expended on the litigation by a reasonable hourly rate. *Id.* at 433. The party seeking an award of fees must submit evidence supporting the hours worked and the rates claimed. *Id.* The district court will generally exclude from the lodestar amount hours that are not reasonably expended because they are "excessive, redundant, or otherwise unnecessary." Second, a court may

1 adjust the lodestar upward or downward using a “multiplier” based on factors not subsumed in the
2 initial calculation of the lodestar. *Blum v. Stenson*, 465 U.S. 886, 898-901 (1984).

3 The time billed by Mr. Barkel represents consultation with other attorneys in his office
4 assigned to this case. Internal consultation will not be included in the fees awarded. Thus, \$600.32
5 will be deducted from the fee award (\$428.80 x 1.4). Otherwise, the Court finds the time billed and
6 the rates charged are commensurate with the work performed by counsel for Defendant and the
7 experience of those counsel as evaluated through the lens of the Las Vegas legal community.

8 Accordingly,

9 IT IS HEREBY ORDERED that World Financial Group’s Memorandum of Attorney’s Fees
10 (ECF No. 49), docketed as a motion, is GRANTED.

11 IT IS FURTHER ORDERED that World Financial Group is awarded fees in the amount of
12 \$4,107.36.

13 IT IS FURTHER ORDERED that Plaintiff may pay fees in the amount of \$4,107.36 to World
14 Financial Group no later than **September 19, 2022**, unless an objection to this Order is filed in which
15 case the Order is stayed until the objection is resolved.

16 IT IS FURTHER ORDERED that failure to comply with this Order may result in the
17 imposition of additional sanctions.

18 Dated this 12th day of August, 2022.

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20 ELAYNA J. YOUCHAK
21 UNITED STATES MAGISTRATE JUDGE
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